

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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HILDA L. SOLIS, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

LOS TRES AMIGOS SUPERMARKET,  
LLC, a Limited Liability Company,

Defendant.

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Civil Action No. 1:12-cv-990

**CONSENT JUDGMENT**

Plaintiff has filed her complaint and defendant, without admitting any of the allegations in the complaint, waives issuance and service of process, acknowledges receipt of a copy of the Complaint filed herein, waives Answer and all defenses to the Complaint, and without further pleadings agrees to the entry of this Judgment in accordance with the Stipulation between the parties filed herein. It is therefore, upon stipulation of the parties (Doc. 2), and for good cause shown:

**ORDERED, ADJUDGED, AND DECREED** that Defendant, its agents, servants, employees and those in active concert with it, are permanently enjoined and restrained from violating the provisions of §15(a)(2) and §15(a)(5) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, in any of the following manners:

(1) Defendant shall not, contrary to Section 6 of the Act, pay any of its employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the Act as aforesaid, wages at less than the applicable minimum wage.

(2) Defendant shall not contrary to Section 7 of the Act, employ any of its employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, for workweeks longer than forty (40) hours, unless the employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

(3) Defendant shall not fail to make, keep and preserve records of its employees, and of the wages, hour and other conditions and practices of employment maintained by it, as prescribed by the regulations of the Administrator or the Secretary of Labor issued, and from time to time amended, pursuant to Section 11(c) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516. Defendant represents that it has installed time clocks in the workplace and is keeping an accurate record of hours worked by employees.

It is **FURTHER ORDERED** that the Plaintiff recover from Defendant the total sum of \$88,795.39 representing back wages and interest, for which execution may issue, to be distributed to Defendant's employees listed in the Exhibit "A" attached hereto in the amounts set forth following each employee's name.

Defendant shall make payment to the Plaintiff for disbursement as prescribed by law. Any money not so distributed by the Plaintiff within a reasonable time because of Plaintiff's failure to locate the proper person or because of such person's refusal to accept such money shall

be covered into the Treasury of the United States as miscellaneous receipts. It is further **ORDERED, ADJUDGED, AND DECREED** that the Exhibit “A” attachment to this judgment be, and hereby is incorporated in and made a part of this Judgment.

Defendant shall not request, solicit, suggest, or coerce, directly or indirectly, any employee to return or offer to return to the Defendant or to someone else for the Defendant, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Judgment or the Act; nor shall Defendant accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act except to the extent such funds are deposited in an employee’s 401(k) account; nor shall Defendant discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employees has received money due to him from the Defendant under the provisions of this judgment.

It is **FURTHER ORDERED ADJUDGED AND DECREED** that no costs are allowed.

This case is hereby CLOSED and TERMINATED from the docket of this Court.

**IT IS SO ORDERED.**

Dated: January 9, 2013.

s/ Michael R. Barrett  
U.S. DISTRICT COURT JUDGE

s/ Timothy J. Owens  
TIMOTHY J. OWENS  
Attorney for Defendant Los Tres Amigos  
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Lane Alton & Horst, LLC  
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s/ Sandra B. Kramer  
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OF COUNSEL;  
BENJAMIN T. CHINNI  
Associate Regional Solicitor

**EXHIBIT "A"**  
**316 Northland Blvd., Cincinnati, Ohio 45246**

<b><u>NAME</u></b>	<b><u>PERIOD COVERED</u></b>	<b><u>GROSS AMOUNT DUE W/INTEREST</u></b>
Alvarado, Maria Lili	07/20/08-05/16/10	\$918.83
Barbosa, Mario	05/11/08-07/13/08	\$554.85
Beltran, Mario	05/11/08-05/17/09	\$2,183.94
Buendia, Miguel Angel	08/16/09-07/11/10	\$3,356.63
Caceres, Israel	02/28/10-05/16/10	\$738.21
Cortes, Alberto	05/11/08-07/11/10	\$3,279.46
Cortes, Cristina	01/17/10-02/07/10	\$64.15
Cortes, Jesus	11/02/08-08/23/09	\$2,625.23
Cortes, Wilmart	10/11/09-11/15/09	\$384.80
Cruz, Alejandra	06/06/10-06/13/10	\$36.19
Escobedo, Hilda	12/21/08-07/11/10	\$355.10
Esquivel, Omar	05/11/08-09/21/08	\$798.27
Figueroa, Elizabeth	05/11/08-05/18/08	\$16.30
Figueroa, Jesus	06/28/09-07/12/09	\$37.32
Galan, Esperanza	05/11/08-08/10/08	\$78.48
Galicia, Jose	05/11/08-07/11/10	\$3,217.61
Garcia, Adalberto	10/26/08-11/16/08	\$89.00
Garcia, Angel	09/13/09-11/29/09	\$18.04
Garcia, David	09/28/08-10/19/08	\$99.25
Garcia, Eduardo	06/22/08-04/19/09	\$2,252.16
Garcia, Jose Y	04/25/10-06/27/10	\$223.27
Garcia Lopez, Mitchell	01/18/09-01/25/09	\$170.01
Garcia, Luis	01/04/09-09/06/09	\$243.38
Gaspar, Antonio	11/15/09-07/11/10	\$1,013.13
Gonzalez, Adela	08/17/08-11/02/08	\$13.88
Gracia, Erick	11/15/09-07/11/10	\$3,415.41
Hernandez, Maria	06/21/09-08/09/09	\$142.63
Hernandez, Miguel Angel	08/16/09-03/21/10	\$269.84
Hernandez, Misael	12/21/08-05/03/09	\$972.54
Hernandez, Rodolfo	05/10/09-06/28/09	\$502.00
Hernandez, Salvador	11/23/08-06/14/09	\$1,410.32
Hernandez	05/11/08-07/11/10	\$310.86

Simentel, Ileana		
Jacinto, Jorge	02/28/10-03/21/10	\$41.80
Jimenez, Carlos	02/01/09-02/07/10	\$813.66
Jimenez, Jacobo	05/11/08-09/07/08	\$700.90
Labastida, Eliseo	12/28/08-07/11/10	\$7.57
Lopez, Francisco	10/11/09-11/15/09	\$474.73
Lopez, Roberto	11/23/08-12/14/08	\$150.84
Martinez, Guadalupe	05/11/08-06/13/10	\$1,375.15
Martinez, Juan	05/11/08-11/30/08	\$1,102.87
Martinez, Saul	11/23/08-02/21/10	\$2,486.45
McDaniel, Karla	04/19/09/09/06/09	\$33.43
Meza, Miguel	05/25/08-07/27/08	\$164.61
Mirafuentes, Cesar	09/27/09-06/27/10	\$1,736.97
Mirafuentes, Patricia	05/11/08-05/11/08	\$42.63
Mirafuentes, Ruben	05/11/08-07/11/10	\$3,856.75
Miranda, Juanita	10/11/09-11/01/09	\$52.50
Mireles, Alma	10/25/09-04/04/10	\$758.82
Mireles, Carlos	02/01/09-02/08/09	\$86.34
Mireles, Jorge	01/11/09-07/11/10	\$3,219.26
Mireles, Monica	08/03/08-04/04/10	\$1,129.15
Molina, Ruben	04/26/09-05/31/09	\$81.76
Morales, Alberto	11/09/08-07/26/09	\$67.46
Moran, Mireina	05/11/08-12/21/08	\$2,055.36
Nolasco, Mario	06/21/09-03/07/10	\$721.58
Nolasco, Nelson	07/19/09-03/07/10	\$232.64
Nolasco, Steve	05/24/09-07/11/10	\$2,644.50
Nolasco, Thomas	06/07/09-07/11/10	\$1,961.05
Ojeda, Douglas	07/04/10-07/11/10	\$86.13
Ortega, Sandra	09/13/09-11/29/09	\$32.44
Otamendi, Karina	11/08/09-01/24/10	\$80.96
Palacios, Fernando	07/20/08-07/27/08	\$16.02
Palma, Armando	07/13/08-07/11/10	\$4,497.40
Palma, Jesus David	12/24/08-07/11/10	\$5,013.70
Perez, Angeles	01/04/09-01/11/09	\$38.15
Perez, David	11/23/08-06/14/09	\$1,951.10
Perez, Jason J	08/03/08-08/10/08	\$23.50
Perez, Jose B	06/08/08-06/08/08	\$27.49
Ramirez, Ana Laura	07/13/08-06/13/10	\$4,880.63
Ramirez, Antonio	08/02/09-07/11/10	\$1,778.25
Ramirez, J	08/30/09-09/06/09	\$135.58
Ramos, Alberto	09/13/09-05/16/10	\$87.40
Reyes, Olga	10/12/08-12/28/08	\$706.91

Rios, Johana	05/11/08-12/14/08	\$512.41
Rivera, Elva	08/16/09-11/01/09	\$43.51
Rodriguez, Joselyn	08/30/09-05/16/10	\$31.11
Rueda Suarez, Edgar	02/15/09-04/19/09	\$474.22
Ruiz, Miranda	08/23/09-07/11/10	\$158.59
Sanchez, Fernando	09/13/09-02/07/10	\$108.91
Sanchez, Marco	11/23/08-12/28/08	\$482.12
Sierra, Fernando	05/11/08-02/08/09	\$2,320.22
Smith, Mario	05/11/08-07/13/08	\$573.57
Soto Rodriguez, Martin	12/28/08-05/17/09	\$643.91
Terrazas, Carlos	03/15/09-07/11/10	\$3,433.09
Uribe Diaz, Bernice	12/21/08-01/24/10	\$2,001.97
Uribe Diaz, Galeana	05/10/09-09/06/09	\$339.63
Valdez, Adriana	06/01/08-07/13/08	\$40.16
Valdez, Clemente	05/11/08-11/30/08	\$941.52
Valdez, Sandra	12/28/08-02/07/10	\$58.18
Valdez Gil, Oscar	05/11/08-11/16/08	\$1,044.07
Valdivia, Federico	09/28/08-11/30/08	\$404.22
Vazquez, Yeraldine	09/13/09-11/01/09	\$25.23
Zepeda, Elvira	02/14/10-05/30/10	\$13.22
<b>TOTAL:</b>	<b>TOTAL:</b>	<b>\$88,795.39</b>